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Washington, Wednesday, September 17, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9891

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE RAILWAY EXPRESS AGENCY, INC., AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Railway Express Agency, Inc., a carrier, and certain of its employees represented by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a large section of the country of essential transportation service;

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Railway Express Agency, Inc. or its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 15, 1947.

[F. R. Doc. 47-8512; Filed, Sept. 15, 1947; 4:28 p. m.]

TITLE 7—AGRICULTURE

Chapter XXI—Organization, Functions, and Procedure

Subchapter C—Production and Marketing Administration

PART 2305—FRUIT AND VEGETABLE BRANCH

ORGANIZATION

Section 2305.1 (b) (6) of Title 7, issued September 11, 1946 (11 F. R. 177A-268), as amended (12 F. R. 3655), is further amended to read as follows:

§ 2305.1 *Central Office.* * * *
(b) *The Director.* * * *

(6) Take all action necessary or appropriate in the administration of the Perishable Agricultural Commodities Act (7 U. S. C. 499a et seq.), Produce Agency Act (7 U. S. C. 494), Export Apple and Pear Act (7 U. S. C. 581-589), and the Standard Container Acts of 1916 (1 U. S. C. 251-256) and 1928 (15 U. S. C. 257-257i), subject to the limitations contained in said acts and in rules and regulations with respect thereto (7 CFR 46 and 47, 48, 33, and 41, respectively): *Provided*, That the Director may exercise all of the powers vested in the Assistant Administrator by the rules of practice (7 CFR 47) issued under the Perishable Agricultural Commodities Act (7 U. S. C. 499a et seq.) and redelegate to any officer or employee in the branch authority to exercise such powers.

(Secs. 3, 12, 60 Stat. 238, 244; 5 U. S. C. Sup. 1002, 1011)

Issued this 11th day of September 1947.

[SEAL] S. R. NEWELL,
*Acting Assistant Administrator
for Marketing, Production and
Marketing Administration.*

[F. R. Doc. 47-8463; Filed, Sept. 16, 1947; 8:53 a. m.]

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TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 116—CIVIL AIR NAVIGATION

DOCUMENTS FOR CLEARANCE

AUGUST 29, 1947.

1. The first sentence of paragraph (c) of § 6.9, *Documents for clearance*, of Title 19 of the Code of Federal Regulations, such section being also designated as § 116.9 of Title 8 and as § 71.509 of Title 42 of that code, is amended to read as follows: "When the aircraft is departing from the United States, the aircraft commander's general declaration required by this section shall be in triplicate, with one copy of each air passenger manifest and one copy of each air cargo manifest."

2. Paragraph (d) of § 6.9 of Title 19 of the Code of Federal Regulations, such section being also designated as § 116.9 of Title 8 and as § 71.509 of Title 42 of that code, is amended to read as follows:

(d) One copy of the general declaration for departure from the United States shall constitute a clearance certificate when endorsed by the customs officer in charge to show that clearance is granted.

3. Paragraph (e) of § 6.9 of Title 19 of the Code of Federal Regulations, such section being also designated as § 116.9 of Title 8 and as § 71.509 of Title 42 of that code, is amended to read as follows:

(e) When the aircraft is departing from one area to another area, the aircraft commander's general declaration and the air passenger manifest shall be in duplicate if the aircraft is carrying to or over that area passengers other than those departing from the mainland; with two extra copies of the general declaration and two copies of the air cargo manifest if the aircraft is carrying residue cargo (§ 6.10a) or is carrying merchandise in bond (Part 18, Customs Regulations of 1943, 19 CFR, Part 18). One copy of the general declaration must have the endorsement of the customs officer in the area from which departing that permit to proceed is granted, but this requirement shall not apply unless the aircraft is carrying residue cargo, or the commander, owner, or operator of the aircraft and the customs officer in charge have been notified by the immigration officer that fines and liabilities under the immigration laws appear to have been incurred in connection with the aircraft and payment thereof has not been made or secured by sufficient deposit or bond. These copies shall be disposed of by the aircraft commander as follows:

(1) One copy of the general declaration and one copy of the air passenger manifest shall be delivered to the immigration officer in the area from which the aircraft is departing and shall be retained by him.

(2) One copy of the general declaration and one copy of the air cargo manifest shall be delivered to the customs officer in the area from which the aircraft

is departing and shall be retained by him.

(3) One copy of the general declaration and one copy of the air passenger manifest and a passenger card concerning each alien passenger, except in cases where such card is not required by the immigration instruction sheet for aircraft, shall be delivered by the commander to the immigration officer at the place of entry in the other area for use there as a list of arriving passengers.

(4) One copy of the general declaration and one copy of the air cargo manifest shall be delivered by the aircraft commander to the customs officer in charge at such place of entry, to be retained by such officer as the coastal manifest.

4. *Effective date.* This amendment shall become effective upon the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003) with respect to notice and public procedure thereon and delayed effective date is found to be unnecessary and contrary to the public interest because the amendment will facilitate air commerce and clarify the requirements and restrictions on affected persons.

(R. S. 161, 251, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 7 (d), 44 Stat. 572, sec. 644, 46 Stat. 761, secs. 376, 602, 58 Stat. 706, 712; 5 U. S. C. 22, 19 U. S. C. 66, 8 U. S. C. 102, 122, 49 U. S. C. 177, 19 U. S. C. 1644, 42 U. S. C. Sup., 201 note, 270; sec. 1, Reorg. Plan No. V, 5 F. R. 2132, 2223; sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

FRANK DOW,

Acting Commissioner of Customs.

A. L. M. WIGGINS,

Acting Secretary of the Treasury.

PHILIP B. PERLMAN,

Acting Attorney General.

JAMES A. CRABTREE,

Acting Surgeon General,

Public Health Service.

Approved:

MAURICE COLLINS,

Acting Federal Security
Administrator.

[F. R. Doc. 47-8302; Filed, Sept. 9, 1947;
8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 6—AIR COMMERCE REGULATIONS

DOCUMENTS FOR CLEARANCE

CROSS REFERENCE: For amendments to § 6.9 Documents for clearance see Federal Register Document 47-8302, Immigration and Naturalization Service, Department of Justice, Chapter I of Title 8, *supra*.

[T. D. 51750]

PART 6—AIR COMMERCE REGULATIONS

REDESIGNATION OF GORE FIELD, GREAT FALLS, MONT., AS AIRPORT OF ENTRY FOR ONE YEAR

SEPTEMBER 10, 1947.

Gore Field, Great Falls, Montana, is hereby redesignated as an airport of entry for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U. S. C., Title 49, sec. 179 (b)), for a period of 1 year from August 15, 1947.

The list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, is hereby further amended by changing the date of designation opposite the name of this airport to "August 15, 1947."

Notice of the proposed redesignation of this airport as an airport of entry was published in the FEDERAL REGISTER on August 12, 1947 (12 F. R. 5478), pursuant to the provisions of section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). The redesignation shall be effective on August 15, 1947, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with because of the expiration of the previous designation prior to the expiration of 30 days after the publication of this redesignation. The redesignation of this airport is based on a determination that a sufficient need exists to justify such redesignation and the redesignation is for the purpose of providing for convenient compliance with customs requirements.

(Sec. 7 (b), 44 Stat. 572, sec. 611, 58 Stat. 714; 49 U. S. C. and Sup., 177 (b))

[SEAL]

E. H. FOLEY, Jr.,

Acting Secretary of the Treasury.

[F. R. Doc. 47-8470; Filed, Sept. 16, 1947;
8:48 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 500—GENERAL

FIELD ORGANIZATION

Section 500.22 *Field organization*, paragraph (b), subparagraph (5) *Locations* (11 F. R. 177a-886) is amended, effective September 4, 1947, by deleting the address "Kroger Building" opposite "Ohio, Cincinnati" and substituting therefor the following address: "Fifth-Third Union Trust Building".

(Sec. 1, 48 Stat. 1246, as amended; 12 U. S. C. and Sup., 1702)

R. WINTON ELLIOTT,
Assistant Commissioner.

SEPTEMBER 8, 1947.

[F. R. Doc. 47-8458; Filed, Sept. 16, 1947;
8:52 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

MERRIMACK RIVER, MASSACHUSETTS

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.55 setting forth the regulations governing the operation of drawbridges across the Merrimack River at and downstream from Haverhill, Massachusetts, is hereby revised to exclude the Essex County highway bridge between Bradford and Haverhill, and to prescribe periods during which the draws of bridges below the Bradford-Haverhill Bridge are required to be opened only after notice is given to the draw tenders, the section being amended to read as follows:

§ 203.55 *Merrimack River, Mass.; bridges from the mouth to and including the Groverland-Haverhill Bridge.* (a) During the following applicable periods, the draw of each drawbridge shall, upon the signal prescribed in paragraph (e) of this section or upon verbal request at the bridge, be opened promptly for the passage of any vessel or other watercraft not able to pass under the closed draw:

(1) Massachusetts Department of Public Works highway bridge and Boston and Maine Railroad bridge between Newburyport and Salisbury. Between 6:00 a. m. and 10:00 p. m. from May to October, inclusive, and between 8:00 a. m. and 5:00 p. m. from November to April, inclusive.

(2) Essex County highway bridges between Deer Island and Salisbury and at Rocks Village. Between 6:00 a. m. and 10:00 p. m. from May to October, inclusive.

(3) Massachusetts Department of Public Works highway bridge between Groveland and Haverhill. Between 8:00 a. m. and 5:00 p. m. from May to October, inclusive.

(b) At all other times, the draws shall be opened within a reasonable time after notice to the draw tenders in person, by letter, or by telephone. For this purpose the owners of or agencies controlling the bridges shall provide arrangements whereby the draw tenders can be reached readily by telephone or otherwise at any hour of the day or night. They shall also keep conspicuously posted on both the upstream and downstream sides of the bridge, in a position where it can be read easily at any time, a copy of this section, together with a notice stating exactly how the draw tender may be reached at all times by telephone or otherwise.

(c) The draw shall not be opened if there is a train, car, or other vehicle passing over the draw, or if a train or car is approaching so closely that it cannot be stopped safely before reaching the draw, but the draw shall be opened as soon as it can be cleared, and no person, vehicle, car, or train shall be permitted to begin to cross the draw after it has been signaled to open except as herein provided.

(d) When any draw shall have been open for 10 minutes, it may be closed for the crossing of trains, cars, vehicles, or individuals if there be any waiting to cross, and after being so closed for 10 minutes or for such shorter time as may be necessary for the said trains, cars, vehicles, or individuals to cross, it shall be again opened promptly for the passage of any vessel or other watercraft desiring to pass. The length of time that a draw shall have been open shall be computed from the time it is fully opened, and the length of time that a draw has been closed shall be computed for the time it ceases to move in closing.

(e) When a vessel or other watercraft intends to pass through the draw of any bridge, the master or pilot thereof shall, on approaching within signaling distance, signify his intention to pass through the draw by sounding with a whistle or horn two long blasts followed immediately by two short blasts. If the draw is to be opened immediately, the draw tender shall reply by three long blasts of a whistle or horn. If, under this section, a delay in opening the draw is permitted and it is not to be opened immediately, the draw tender shall reply by two long blasts. A long blast shall

be a blast of three seconds' duration, and a short blast shall be a blast of one second's duration.

(f) Trains and vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening, nor shall watercraft be navigated so as to hinder or delay the operation of the draw, but all passage over or through a drawbridge shall be prompt to prevent delay to either land or water traffic.

(g) The owners of or agencies controlling the bridges shall maintain in good and efficient order the draws and the machinery and appliances for operating the same and for assisting vessels while passing through the draw. They shall provide such draw tenders as may be necessary to open and close the draws promptly. They shall also provide and maintain in good order on the bridge piers or fenders such fixtures as may be necessary to vessels in mooring or making fast while waiting for the draw to open.

(h) This section shall not apply to vessels owned or leased by the United States, nor to vessels employed for police and fire protection by any town or municipality touching upon the Merrimack River. All such United States and mu-

nicipal vessels shall be passed without delay through the draws of all bridges during the periods specified in paragraph (a) of this section upon signaling by four long blasts, and at all other times as soon as possible after notice to the draw tender in person or by telephone.

[Regs. Aug. 25, 1947 (823.01, Merrimack River, Mass.)—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-8450; Filed, Sept. 16, 1947;
8:50 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 71—FOREIGN QUARANTINE

DOCUMENTS FOR CLEARANCE

CROSS REFERENCE: For amendments to § 71.509 *Documents for clearance* see Federal Register Document 47-8302, Immigration and Naturalization Service, Department of Justice, Chapter I of Title 8, *supra*.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 534]

MARKET AGENCIES AT THE NEW ORLEANS STOCK YARDS, ARABI, LA.

NOTICE OF PETITION FOR MODIFICATION

By order dated April 8, 1937, made pursuant to the provisions of the Packers and Stockyards Act, as amended (7 U. S. C. 181 et seq.), maximum rates and charges for the market agencies at the New Orleans Stock Yards, Arabi, Louisiana, were prescribed in P. & S. Docket No. 534 (then entitled Secretary of Agriculture v. Louis Bagneris, an individual, and other market agencies, operating at the New Orleans Stock Yards, Arabi, Louisiana, respondents).

By petition filed August 29, 1947, the respondent market agencies seek to amend their tariff by adding a new definition to Article I of Tariff No. 5 as follows:

8. *Bulls* are uncastrated male animals of the bovine species, weighed in drafts, the average weight of the animals in which is over 600 pounds.

The respondents also seek to modify their Tariff No. 5 and supplements thereto to provide for the following rates and charges:

ARTICLE II

SELLING CHARGES, ALL MODES OF ARRIVAL

Animals of the bovine species: *Per head*
Light weight bovines:
Consignments of 1 head and 1
head only----- \$0.60

ARTICLE II—Continued

SELLING CHARGES, ALL MODES OF ARRIVAL—CON.

Animals of the bovine species—Con. *Per head*

Light weight bovines—Continued

Consignments of more than 1

head:

First 15 head in each consign-
ment----- \$0.50

Each head over 15 in each con-
signment----- .35

Medium weight bovines:

Consignments of 1 head and 1

head only-----

Consignments of more than 1
head:----- .85

First 15 head in each consign-
ment----- .75

Each head over 15 in each con-
signment----- .65

Heavy weight bovines:

Consignments of 1 head and 1

head only-----

Consignments of more than 1
head:----- 1.15

First 15 head in each consign-
ment----- 1.00

Each head over 15 in each con-
signment----- .85

Bulls, weighing over 600 pounds:

Consignments of 1 head and 1

head only-----

Consignments of more than 1
head:----- 1.50

First 15 head in each consign-
ment----- 1.25

Each head over 15 in each con-
signment----- 1.00

Dairy Cattle: Milkers or springers,

bulls (cows with calves at feet be-
ing considered as 1)----- 2.00

Swine:

Consignments of 1 head and 1

head only-----

Consignments of more than 1
head:----- .50

First 40 in each consignment...
Each head over 40 in each con-
signment----- .20

ARTICLE II—Continued

SELLING CHARGES, ALL MODES OF ARRIVAL—CON.

Sheep and goats: *Per head*

Consignments of 1 head and 1

head only-----

Consignments of more than 1
head:----- \$0.50

For any in the first 10 head in

each 300-----

For any in the next 50 head in

each 300-----

For any in the next 60 head in

each 300-----

For any in the next 130 head in

each 300-----

For any in the next 50 head in

each 300-----

ARTICLE III

EXTRA SERVICE CHARGES

For each additional draft over 3 in any
one consignment-----

For each additional day after arrival
of milch cows, until sold, not to ex-
ceed a maximum charge of \$1.50 per
head-----¹ .30

ARTICLE VI

FEED CHARGES

Per cwt.

Hay—all kinds; Current market prices,
f. o. b. stockyards plus----- \$0.50

Cottonseed hulls: Current market
prices, f. o. b. stockyards plus----- .50

Cottonseed meal: Current market
prices, f. o. b. stockyards plus----- .50

Per bushel

Corn: Current market prices, f. o. b.
stockyards plus----- \$0.25

Special feeds: A reasonable handling
charge, not to exceed 50 cents per
cwt. or fraction thereof.

The charge made for hay, hulls, meal, and
corn shall be divisible by 5 and shall be
amended when the margin between cost and

¹ Per head per day.

sale price of the feeds named varies five cents from the margin specified above.

The corresponding rates and charges to those set out above which are now set forth in respondents' tariff on file with the Secretary are as follows:

ARTICLE II

SELLING CHARGES—ALL MODES OF ARRIVAL

Animals of the bovine species:	Per head
Light-weight bovines:	
Consignments of 1 head.....	\$0.40
Consignments of more than 1 head:	
1-20 head, inclusive.....	.35
Each head over 20.....	.25
Medium-weight bovines:	
Consignments of 1 head.....	.65
Consignments of more than 1 head:	
1-20 head, inclusive.....	.60
Each head over 20.....	.50
Heavy-weight bovines:	
Consignments of 1 head.....	1.00
Consignments of more than 1 head:	
1-20 head, inclusive.....	.85
Each head over 20.....	.75
Dairy cattle, milkers or springers, cows with calves at feet being considered as 1.....	1.50
Swine:	
Consignments of 1 head.....	.40
Consignments of more than 1 head:	
1-40 head, inclusive.....	.30
Each head over 40.....	.10
Sheep:	
Consignments of 1 head.....	.40
Consignments of more than 1 head:	
For any in the first 10 head in each 300.....	.30
For any in the next 50 head in each 300.....	.20
For any in the next 60 head in each 300.....	.10
For any in the next 130 head in each 300.....	.03
For any in the next 50 head in each 300.....	.02

ARTICLE III

EXTRA SERVICE CHARGES

For each additional draft over 3 in any one consignment.....	.15
For each additional day after arrival, of milk cows, until sold, not to exceed a maximum charge of \$1 per head.....	\$0.20

ARTICLE VI

FEED CHARGES

	Per cwt.
Hay, Prairie, Johnson Grass, or native.....	\$1.30
Cotton seed hulls.....	1.15
Cotton seed meal.....	1.95
Corn, bushel measure.....	\$1.10

Special feeds, other than above, market price at time of feeding plus 50 cents per 100 pounds for handling.

No modification of the other rates and charges of the respondents is sought.

The effect of the modifications requested by the respondents, if granted, would result in additional revenues to the respondents, and therefore, public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of said petition for modification.

All interested persons who desire to be heard upon the matters requested in said petition for modification shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Copies hereof shall be served upon the parties by registered mail or in person.

Done at Washington, D. C., this 11th day of September 1947.

[SEAL]

H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 47-8473; Filed, Sept. 16, 1947; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 60]

CERTAIN VISUAL AND INSTRUMENT FLIGHT RULES

NOTICE OF HEARING

Notice is hereby given pursuant to section 4 (a) of the Administrative Pro-

cedure Act that a public hearing will be held before the Civil Aeronautics Board on September 22, 1947 at 10:00 a. m., eastern daylight time, in Room 5042, Commerce Building, Washington, D. C.

The purpose of the hearing is to obtain the views of interested persons on whether, and under what circumstances and conditions, it is reasonable and will promote safety of flight in air commerce:

1. To require an air traffic clearance from air traffic control for flight within a control zone when the ceiling is less than 1,000 feet.

2. To require that an aircraft operating along a civil airway shall be flown to the right of the center line of such airway during VFR conditions as is presently prescribed for IFR conditions.

3. To provide that an aircraft shall not cross a civil airway at an angle of less than 45 degrees thereto under VFR conditions.

4. To amend the definition of "hours of darkness" in § 60.921, so as to provide that within the continental United States "hours of darkness" would constitute those hours between sunset and sunrise.

Any rules adopted by the Board in relation to the foregoing will be promulgated pursuant to Title VI of the Civil Aeronautics Act of 1938, as amended, and will affect Part 60 of the Civil Air Regulations.

Any interested person may appear in person or by attorney and present his views orally and may submit such written statements or documents in support of his views as he may consider desirable.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

Dated at Washington, D. C., September 12, 1947.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-8493; Filed, Sept. 16, 1947; 8:46 a. m.]

NOTICES

NAVY DEPARTMENT

[No. 4 (e)]

LANDING CRAFT, SUPPORT (LARGE) (Mk3) LCS (L) (3)

NAVIGATION LIGHTS

Whereas, the act of December 3, 1945 (Public Law 239, 79th Congress), provides that any requirement as to the number, position, range of visibility, or arc of visibility of navigation lights, required to be displayed by naval vessels under acts of Congress, as enumerated in said act of December 3, 1945, shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special con-

struction, it is not possible with respect to such vessel or class of vessels to comply with statutory requirements as to the number, position, range of visibility, or arc of visibility of navigation lights; and

Whereas, a study of the arrangement and position of the navigation lights of that type of vessel known as Landing Craft, Support (Large) (Mk3) LCS (L) (3), has been made by the Navy Department, and, as a result of such study, it has been determined that because of their special construction it is not possible for the type of naval vessel designated above to comply with the requirements of the statutes enumerated in said act of December 3, 1945;

Now, therefore, I, James Forrestal, Secretary of the Navy, as a result of the

aforesaid study do find and certify that the type of naval vessels known as Landing Craft, Support (Large) (Mk3) LCS (L) (3), are naval vessels of special construction, and that on such vessels with respect to the position of the masthead light and the additional white light (commonly termed the range light), it is not possible to comply with the requirements of the statutes enumerated in the act of December 3, 1945. Further, I do find and certify as follows:

(a) That it is feasible to locate the aforesaid masthead light in the midships part of said vessels approximately seventy-seven feet abaft the stem.

(b) That it is feasible to locate the additional white light (commonly termed the range light), if such light is installed

in any of the aforesaid type of vessels, in the forward part of the vessel and in front of the light referred to in the preceding paragraph.

I direct that the aforesaid lights, that is the masthead light and the additional white light (commonly termed the range light), if such light is installed, shall be located in this type of vessel in the manner above described. I further direct that the two aforesaid lights, referred to in subparagraphs (a) and (b), if both lights are installed, shall be placed in line with the keel and that the after light shall be at least fifteen feet higher than the forward light and that the vertical distance between the two lights shall be less than the horizontal distance.

I further certify that such location constitutes compliance as closely with the applicable statutes as I hereby find to be feasible.

Dated at Washington, D. C., this 9th day of September A. D., 1947.

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-8449; Filed, Sept. 16, 1947;
8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

ORDER OPENING LANDS TO MINING LOCATION, ENTRY, AND PATENTING

Under authority and pursuant to the provisions of the act of April 23, 1932 (47 Stat. 136, 43 U. S. C. sec. 154) and the regulations thereunder, and subject to (1) valid existing rights, (2) the provisions of the act of August 1, 1946 (60 Stat. 755, sec. U. S. C., Title 42, sec. 1801, et seq.) and (3) the terms of the following quoted stipulation, it is hereby ordered that the following described lands:

Beginning at a point in unsurveyed Section 29, Township 13 South, Range 22 East, San Bernardino Meridian, California, which bears South 81 degrees 10 minutes West, 3,210 feet from the southwesterly corner of Section 21 in said Township and Range, which point is in the center of the northeasterly end line of said claim, thence South 43 degrees 10 minutes East, 300 feet; thence South 46 degrees 50 minutes West, 1,452 feet; thence North 43 degrees 10 minutes West, 600 feet; thence North 46 degrees 50 minutes East, 1,452 feet; thence South 43 degrees 10 minutes East 300 feet to the point of beginning, containing 20 acres more or less, be and the same are hereby, opened to location, entry and patenting under the general mining laws, the quoted stipulation to be executed and acknowledged in favor of the United States by the locators, for their heirs, successors and assigns, and recorded in the county records and in the United States District Land Office at Los Angeles, California, before locations are made:

In carrying on mining, processing, or stock piling of mineral-bearing sand, gravel or rock, or any other operations in any manner related to the exploitation of the mineral deposits on the above-de-

scribed lands, locator, his heirs, successors, and assigns shall not pile, dump, or in any manner use or dispose of any rock, tailings, sludge, acids or chemicals, waste materials, rubbish, or debris of any kind whatsoever, in such manner that any of such things will or in any manner could, be carried or introduced into the Colorado River, the All-American Canal or its subcanals, or obstruct the natural flow from any wash channel. Locator, his heirs, successors, and assigns shall not use or conduct mining or any other operations on the above-described lands in such manner as will impede or hinder the uses and purposes of the United States in connection with the possible use of the lands for the Colorado Storage Project and the Imperial Dam Reservoir Area or as will interfere in any degree with the operations of the United States or its agents, contractors, successors, or assigns or as will be to the detriment of the general public.

There is reserved to the United States, its agents and employees, at all times free ingress to, passage over, and egress from all of the above-described lands for the purpose of inspection; and there is further reserved to the United States, its successors, and assigns the prior right to use any of the lands hereinabove described, to construct, operate, and maintain canals, dikes, wasteways, ditches, telephone and telegraph lines, electric transmission lines, roadways, and appurtenant works, without any payment made by the United States, or its successor for such right. The locator further agrees that the United States, its officers, agents and employees, and its successors and assigns, shall not be held liable for any damage to the improvements or workings of the locator resulting from the construction, operation, and maintenance of any works of the United States.

Any location or entry made and any patent issued for the above-described land will be subject to a reservation to the United States, pursuant to the act of August 1, 1946, of all uranium, thorium or other materials therein which are or may be determined by the Atomic Energy Commission to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine and remove the same, and every such location, entry, or patent shall contain a reference to the above quoted stipulations and to the volume and page where they are recorded in the county records.

This order shall not become effective to change the status of the lands until 10:00 a. m. on November 12, 1947, at which time the lands shall, subject to valid existing rights and the provisions of existing withdrawals and of this order, become subject to disposition under the United States mining laws only, as above provided.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1947.

[F. R. Doc. 47-8461; Filed, Sept. 16, 1947;
8:52 a. m.]

[Misc. 2090671]

ALASKA

SHORE SPACE RESTORATION NO. 393

SEPTEMBER 8, 1947.

Pursuant to the provisions of the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR § 4.275 (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described land:

A tract of land described as beginning at Cor. No. 1 in line 1-5 of U. S. Survey No. 696 on westerly shore of Kvichak Bay on Jensen Creek from which corner No. 1 U. S. Sur. No. 696 bears south 14.02 chs. distant; thence from Corner No. 1 north along line 1-5 U. S. Sur. No. 696 7.57 chs. to Corner No. 2, identical with corner No. 5 U. S. Sur. No. 696; thence east along line 5-4 U. S. Sur. No. 696 4.09 chs. to Corner No. 3 M. C. identical with corner No. 4 M. C. U. S. Survey No. 696, at line of mean high tide on west shore of Jensen Creek; thence with the meanders the line of mean high tide along west shore of Jensen Creek northerly and northwesterly approximately 18.0 chs. to Corner No. 4 M. C. on south shore of Jensen Creek; thence S. 26° E., 20.0 chs. to Corner No. 1, the place of beginning; in approximate Latitude 58°55'09" N. and Longitude 157°02'00" W. (U. S. Survey No. 2599, soldiers' additional application of the Nakat Packing Corporation, Anchorage 010170).

The area described contains approximately 8 acres.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-8462; Filed, Sept. 16, 1947;
8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 770]

UNLOADING OF COMMODITIES AT KEARNY, N. J.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of September A. D. 1947.

It appearing, that 32 cars containing various commodities at Kearny, N. J., on the Central Railroad Company of New Jersey (Walter P. Gardner, Trustee), have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Commodities at Kearny, N. J., be unloaded.* The Central Railroad of New Jersey (Walter P. Gardner, Trustee), its agents or employees, shall unload immediately the following cars now on hand at Kearny, New Jersey, consigned to or in care of Federal Shipbuilding and Dry Dock Co.:

Initials and No.:	Contents
NYC 196341	Rods.
MILW 600028	Machinery.
NYC 707586	Plates.
PLE 2375	Plates.
PLE 47078	Plates.
NYC 711635	Pipe.
C&WC 9647	Rock wool.
B&O 268351	Machinery.
CGA 18482	Plates.
CRP 1518	Plates.
CRP 1714	Steel.
NYC 636922	Plates.
PRR 441303	Steel.
NYC 117589	Wallboard.
PLE 41229	Steel.
PWW 5245	Steel.
PRR 425036	Casings.
NYC 618911	Plates.
NYC 496059	Plates.
PLE 42916	Plates.
ERIE 45514	Plates.
WLE 45808	Steel.
DRGW 65117	Rock wool.
MILW 360999	Plates.
DLW 60946	Plates.
NYC 616612	Steel.
CNJ 84915	Plates.
OSL 27223	Plates.
PLE 46713	Steel.
CNW 106028	Wallboard.
NYC 633782	Steel.
PWW 5373	Plates.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., September 14, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify the Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; and that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-8459; Filed, Sept. 16, 1947; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-130]

INTERSTATE POWER CO. AND OGDEN CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of September A. D. 1947.

The Commission entered an order on January 24, 1947 (Holding Company Act Release No. 7159), approving a plan for the reorganization of Interstate Power Company ("Interstate"), a registered holding company; and has entered an order simultaneously herewith, among other things, permitting to become effective declarations filed by Interstate in respect of certain transactions relating to said plan, including the following:

(a) The issue and sale by Interstate, pursuant to competitive bidding, of \$19,400,000 principal amount of first mortgage bonds, --% Series, due 1977;

(b) In case Alternative I of the plan is made effective, the issue and sale by Interstate, pursuant to competitive bidding, of so many shares of its new common stock, not exceeding 2,700,000 shares of the 3,000,000 shares to be initially outstanding, as may be required to provide Interstate with \$18,610,500 (or if said amount of \$18,610,500 shall not be exactly divisible by the net price per share, then the least greater amount that shall be so exactly divisible); and, in addition to the foregoing issue and sale of common stock, the issue and sale to the successful bidder or bidders for the common stock as above described, and at the same price per share, of 10.084% of the balance of said 3,000,000 shares of common stock;

(c) In case Alternative II of the plan is made effective, the issue and sale by Interstate, pursuant to competitive bidding, of so many shares, not exceeding 3,000,000 shares, of its new common stock as may be required to provide Interstate with \$8,635,500 (or if said amount of \$8,635,500 shall not be exactly divisible by the net price per share, then the least greater amount that shall be so exactly divisible);

The District Court of the United States for the District of Delaware having entered an order on April 24, 1947, approving said plan subject to the terms and conditions of the Commission's order of January 24, 1947;

The Commission's order entered simultaneously herewith containing, among other things, the following terms and conditions in respect of the issue and sale of new first mortgage bonds and of new common stock by Interstate:

1. That the proposed issue and sale by Interstate of new first mortgage bonds and of common stock shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding, and a further order shall have been entered by the Commission in light of the record as so completed, which order may contain such further terms and conditions as may then be deemed appropriate;

The said declarations of Interstate state that the opening of bids in respect of the new bonds and common stock is scheduled for September 24, 1947 and that the bonds and common stock are scheduled for public offering by underwriters on September 26, 1947, subject to the Commission's order with respect to the prices and spreads, which order the Commission has been requested to enter on or before September 25, 1947. The terms of any bids accepted by the company will become a matter of public information on the day bids are opened, will be released to the press on that day, and any interested person can ascertain this information by inquiry to the Secretary of the Commission at its offices in Philadelphia.

Notice is therefore given and *it is hereby ordered*, That a hearing on such matters, under the applicable provisions of the act and rules of the Commission, be held on September 25, 1947 at 10:30 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission in the manner prescribed by Rule XVII of the rules of practice on or before September 24, 1947.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The issues to be considered at said hearing are:

1. Whether the prices to be paid for Interstate's new bonds and common stock, the underwriter's spreads or compensations, and the fees and expenses in connection therewith, are reasonable, and, generally whether the provisions of Rule U-50 have been satisfied.

2. Whether, in light of the Commission's findings and opinion of January 20, 1947 and supplemental findings and order of January 24, 1947, approving the plan, the issuance and sale of shares of Interstate's new common stock at the price proposed to be paid to Interstate by the successful bidder or bidders would effectuate a plan which would be fair and equitable to the persons affected thereby, and whether such issuance and sale should be approved.

3. What conditions, if any, should be imposed in the public interest or for the protection of investors or consumers.

It is further ordered, That notice of said hearing be given to Interstate, to Ogden Corporation, to all persons who have heretofore applied for or who have been granted participation in the proceedings and to all other persons, such notice to be given to Interstate, to Ogden Corporation, and to all other persons who have heretofore applied for or who have been granted participation in the proceedings by registered mail, and to all

other persons by publication of this notice and order in the FEDERAL REGISTER, by release to the press of this notice and order and by mailing a copy of this notice and order to all persons on the Commission's mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-8455; Filed, Sept. 16, 1947;
8:51 a. m.]

[File No. 54-130]

INTERSTATE POWER CO. AND OGDEN CORP.
SUPPLEMENTAL ORDER GRANTING AND PERMIT-
TING APPLICATIONS AND DECLARATIONS TO
BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 11th day of September A. D. 1947.

Interstate Power Company ("Interstate"), a registered holding company and a subsidiary of Ogden Corporation ("Ogden"), also a registered holding company, having heretofore filed a plan, and amendments thereto, for the reorganization of Interstate, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 and the general rules and regulations promulgated thereunder, and applications and declarations pursuant to applicable sections of the act in respect of related transactions, and Ogden having heretofore filed a joinder in said plan, as amended; and

The Commission on January 24, 1947, having entered an order approving said plan, as amended, subject to the reservation of jurisdiction, among other things, in respect of the "applications and declarations of Interstate and Ogden relating to the issuance, sales and acquisitions of securities proposed by them, including the invitations for bids and the prices and spreads pertaining to the proposed sales of first mortgage bonds and shares of new common stock"; and the District Court of the United States for the District of Delaware having entered an order on April 24, 1947, approving said plan subject to the terms and conditions of the Commission's said order of January 24, 1947; and

Said applications and declarations proposing the following transactions:

(a) The issue and sale by Interstate, pursuant to competitive bidding, of \$19,400,000 principal amount of first mortgage bonds ---% Series, due 1977;

(b) In case Alternative I of the plan is made effective:

(i) The issue and sale by Interstate, pursuant to competitive bidding, of so many shares of its new common stock, not exceeding 2,700,000 shares of the 3,000,000 shares to be initially outstanding, as may be required to provide Interstate with \$18,610,500 (or if said amount of \$18,610,500 shall not be exactly divisible by the net price per share, then the least greater amount that shall be so exactly divisible); and, in addition to the foregoing issue and sale of common stock, the issue and sale to the success-

ful bidder or bidders for the common stock as above described, and at the same price per share, of 10.084% of the balance of said 3,000,000 shares of common stock;

(ii) The issue by Interstate and the distribution pro rata to the holders, other than Ogden, of the shares of the present \$7 and \$6 Preferred Stocks of Interstate, of the entire unsold balance of said 3,000,000 shares of new common stock, together with Scrip Certificates, to the extent necessary, representing rights to fractional shares of new common stock (disregarding balances of less than 1/100th of a share);

(iii) The issue by Ogden to the holders, other than Ogden, of the \$7 and \$6 Preferred Stocks of Interstate, of certain Certificates of Contingent Interest as more particularly described in the plan;

(c) In case Alternative II of the plan is made effective:

(i) The issue and sale by Interstate of so many shares, not exceeding 3,000,000 shares, of its new common stock as may be required to provide Interstate with \$8,635,500 (or if said amount of \$8,635,500 shall not be exactly divisible by the net price per share, then the least greater amount that shall be so exactly divisible);

(ii) The issue by Interstate and the deposit in escrow with Chemical Bank and Trust Company, as Escrow Agent, subject to the terms and conditions of the Escrow Agreement provided for in the plan, of the entire balance of said 3,000,000 shares of new common stock remaining unsold pursuant to paragraph (c) (i) above;

(iii) The acquisition by Ogden of a Debenture Escrow Certificate, Note Escrow Certificates, and Preferred Stock Escrow Certificates, as more particularly described in the plan;

(d) The use by Interstate of the proceeds of the above sales of its new first mortgage bonds and common stock for the purposes outlined in the plan;

Interstate having filed amendments Nos. 5, 6, and 7 to the plan, as amended, and Ogden having filed an amendment to its joinder in the plan, requesting an order approving the aforesaid application and declarations; and

The Commission having considered said filings, and finding that the requirements of the applicable provisions of the act and the rules thereunder are satisfied, and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that said applications and declarations be granted and permitted to become effective, subject to the terms and conditions and reservations hereinafter set forth;

It is ordered, Pursuant to applicable provisions of the act and the rules thereunder, that said applications and declarations be, and the same hereby are, granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U-24 and to the following further conditions:

1. That the proposed issue and sale by Interstate of new first mortgage bonds and of common stock shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall

have been made a matter of record in this proceeding, and a further order shall have been entered by the Commission in light of the record as so completed, which order may contain such further terms and conditions as may then be deemed appropriate;

2. That in all other respects the terms and conditions contained in the Commission's order of January 24, 1947, remain in full force and effect,

The Commission's order of January 24, 1947, having contained certain recitals designed to conform to the requirements specified in Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, in respect of certain transactions provided for in the plan, as amended; and Interstate having requested that further recitals be made in respect of other transactions provided for in the plan, as amended; and it appearing that said request may be appropriately granted;

It is further ordered and recited, That the steps and transactions involved in the consummation of said plan, as amended, and recited below, are necessary or appropriate to effectuate the provisions of section 11 (b) of the act and are necessary or appropriate to the integration or simplification of the holding company system of which Interstate Power Company and Ogden Corporation are members, and are hereby authorized, approved and directed; such steps and transactions being specified and itemized as follows:

In the event Alternative II of the plan is made effective:

(a) The issuance of not exceeding 3,000,000 shares of new common stock of Interstate Power Company to the underwriters or persons who will become the purchasers of the same; and the application by Interstate Power Company of the proceeds of the sale of said new common stock towards the retirement of its First Mortgage Gold Bonds, 5% Series, due 1957;

(b) The issuance of the balance of the 3,000,000 shares of new common stock of Interstate Power Company remaining unsold and scrip certificates for new common stock to Chemical Bank and Trust Company as Escrow Agent under Escrow No. 2, and the application by Interstate Power Company of such balance of new common stock toward the retirement of the 6% Gold Debentures due 1952 and the 6% Demand Note in the principal amount of \$2,475,000 of Interstate Power Company.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-8454; Filed, Sept. 16, 1947;
8:51 a. m.]

[File No. 70-1371]

FEDERAL LIGHT AND TRACTION CO. ET AL.
ORDER APPROVING PLAN, GRANTING AND PER-
MITTING APPLICATIONS AND DECLARATIONS
TO BECOME EFFECTIVE AND RESERVING
JURISDICTION

At a regular session of the Securities and Exchange Commission held at its

office in the city of Philadelphia, Pa., on the 11th day of September A. D. 1947.

In the matter of Federal Light & Traction Company, Cities Service Company, Public Service Company of New Mexico, Federal Liquidating Corporation, File No. 70-1371.

Cities Service Company ("Cities"), a registered holding company, Federal Light & Traction Company ("Federal"), a registered holding company subsidiary of Cities, and Public Service Company of New Mexico ("Public Service"), a public utility subsidiary of Federal, having filed an application and amendments thereto pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan proposing the dissolution and liquidation of Federal; and Federal Liquidating Corporation ("Liquidating Corporation"), recently organized by Federal, having joined in said filing; and

Federal and Cities having requested that the Commission enter an order finding that the plan and the transactions proposed therein are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and that such order conform to the pertinent provisions of the Internal Revenue Code, as amended, including sections 371, 373 (a) and 1808 (f) thereof, and contain the recitals, specifications and itemizations therein required; and Federal having requested that the Commission's order conform to the provisions of section 371 (b) of the Internal Revenue Code, as amended, with respect to the application of the proceeds heretofore derived by it from the sale of its holdings of common stock of The Tucson Gas, Electric Light and Power Company to the cancellation and liquidation of Federal's preferred stock, and the balance thereof to the cancellation and liquidation of Federal's common stock; and

Public hearings having been held on such matters after appropriate public notice, the Commission having considered the record and having made and filed its findings and opinion herein:

It is hereby ordered, That the said plan be, and the same hereby is, approved as necessary to effectuate the provisions of section 11 (b) of the act and as fair and equitable to the persons affected thereby.

It is further ordered, That the transactions proposed in the applications, as amended, and the declarations, as amended, of Federal, Cities, Public Service, and Liquidating Corporation, to wit:

(a) The sale and transfer by Federal and the acquisition by Public Service of all the outstanding common stock (25 shares of \$100 par value) of Stonewall Electric Company for \$2,500;

(b) The distribution by Federal in cancellation and complete liquidation of its outstanding 42,691 shares of preferred stock of the sum of \$100 in cash per share plus accrued unpaid dividends together with certificates of contingent interest in the escrow fund of \$496,923.24 evidencing the contingent interest of the preferred stockholders in said fund, and the application by Federal to such cash distribution of an amount equal to \$4,269,100 of the \$5,558,070 of proceeds heretofore derived by Federal from the

sale of 147,000 shares of common stock of The Tucson Gas, Electric Light and Power Company;

(c) The distribution by Federal in cancellation and complete liquidation of its outstanding 524,903 shares of common stock of the sum of \$11 in cash, one share of common stock of Public Service and one share of common stock of Liquidating Corporation for each share of common stock of Federal, and the application by Federal to such cash distribution of an amount equal to the balance of \$1,288,970 of the \$5,558,070 of proceeds heretofore derived by Federal from the sale of 147,000 shares of common stock of The Tucson Gas, Electric Light and Power Company;

(d) The transfer by Federal of all of its assets not otherwise distributed or disposed of as hereinabove mentioned, to Liquidating Corporation and the issuance to Federal by Liquidating Corporation in exchange therefor of 524,903 shares of its common stock and its assumption of the remaining liabilities of Federal;

(e) The acquisition by Cities of 339,639 shares of common stock of Public Service and 339,639 shares of common stock of Liquidating Corporation in connection with the surrender by it of 339,639 shares of common stock of Federal for cancellation and retirement and in partial liquidation thereof,

all as provided by said plan, are necessary to effectuate the provisions of section 11 (b) of the act, and that said applications, as amended, and said declarations, as amended, be, and they hereby are, granted and permitted to become effective, subject however to the terms and conditions contained in Rule U-24.

It is further ordered, That the findings and opinion of the Commission entered in this case serve as the report required by section 11 (g) of the act and that Federal mail a copy of said findings and opinion to each of its stockholders in connection with the solicitation of authorizations from its stockholders for the proposed dissolution of Federal.

It is further ordered, That jurisdiction be, and hereby is, specifically reserved with respect to the issue of the additional amounts, if any, the preferred stockholders of Federal are entitled to receive in excess of \$100 per share plus accrued and unpaid dividends to the date of dissolution, and generally reserved with respect to the right of the Commission to entertain such further proceedings, to make such supplemental findings, and to take such further action as it may deem appropriate in connection with the plan, the transactions incident thereto and the consummation thereof.

It is further ordered, That jurisdiction be, and hereby is, reserved over all fees and expenses to be paid in connection with the plan, the transactions and proceedings relating thereto, and the consummation thereof.

It is further ordered, That the hearing in the above proceeding be reconvened on October 29, 1947, at 11:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, for

the purpose of adducing evidence on the issue of what additional amount, if any, the preferred stockholders of Federal are entitled to receive in excess of \$100 per share plus accrued and unpaid dividends. On that date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Allen MacCullen, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the reconvened hearing herein. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

It is further ordered and recited, That the sale and transfer by Federal to Public Service of the 25 shares of Stonewall Electric Company, the use and expenditure by Federal of an amount equal to the \$5,558,070 of proceeds heretofore derived by it from the sale of its holdings of 147,000 shares of common stock of The Tucson Gas, Electric Light and Power Company for distribution in connection with the cancellation and liquidation of its outstanding 42,691 shares of preferred stock and 524,903 shares of common stock, the issuance to Federal by Liquidating Corporation of 524,903 shares of its common stock, and the distribution by Federal of 524,903 shares of common stock of Public Service and 524,903 shares of common stock of Liquidating Corporation in connection with the liquidation and cancellation of 524,903 shares of its common stock, all as hereinbefore in this order provided and directed, are necessary or appropriate to the integration and simplification of the holding company system of which Federal and Liquidating Corporation are members, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 within the meaning of sections 371, 373 (a) and 1808 (f) of the Internal Revenue Code, as amended.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-8457; Filed, Sept. 16, 1947; 8:52 a. m.]

[File No. 70-1551]

AMERICAN POWER & LIGHT CO. AND FLORIDA
POWER & LIGHT CO.

MEMORANDUM OPINION AND ORDER PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of September A. D. 1947.

On July 17, 1947 the Commission issued its order granting and permitting to become effective the application and declaration of Florida Power & Light Company ("Florida"), an electric utility subsidiary of American Power & Light Company ("American"), a registered holding

company subsidiary of Electric Bond and Share Company, also a registered holding company, relating to the issuance and sale by Florida at competitive bidding of \$10,000,000 principal amount of First Mortgage Bonds --% Series, due 1977; \$10,000,000 principal amount of --% Sinking Fund Debentures, due 1972; and 150,000 shares of --% Cumulative Preferred Stock ("Preferred Stock") of the par value of \$100 per share.

On July 18, 1947, in accordance with the authorization granted by our order of July 17, 1947, Florida publicly invited competitive bids to be submitted on July 29, 1947 for the purchase of the aforementioned bonds, debentures, and preferred stock. Bids for the bonds and debentures were received at the time fixed, but prior to the opening of bids, Florida was advised that neither of the qualified groups of prospective bidders for the Preferred Stock would submit a bid, and no bids were, in fact, received for such stock. Bids were accepted for the bonds and debentures and the sale of said securities was consummated.

As a consequence of Florida's receiving no bids for the Preferred Stock, and in order to facilitate the sale of Florida's bonds and debentures, American and Florida joined in an application proposing that Florida sell 100,000 shares of its common stock to American for a cash consideration of \$2,500,000. The application further provided that certificates for said shares were to be delivered, at the option of American, prior to January 29, 1948, subject to the proviso that if Florida, prior to January 29, 1948, should sell preferred stock of an aggregate value in excess of \$2,500,000 then Florida would, at the option of American, repay to American the sum of \$2,500,000 and thereby cancel the sale of its common stock. In our order of July 30, 1947, we granted the application of Florida and American with respect to the proposed sale of common stock.

Florida and American have now filed an amendment to the application-declaration heretofore granted and permitted to become effective. This amendment proposes that Florida sell 100,000 shares of the Preferred Stock, in lieu of the 150,000 shares heretofore authorized, and requests that the Commission exempt the proposed sale from the competitive bidding requirements of Rule U-50. The amendment further states that the above-described agreement for the purchase of the common stock of Florida entered into by American and Florida, has been cancelled and that the companies have entered into a new agreement whereby American proposes to purchase 100,000 shares of the common stock of Florida for a cash consideration of \$2,500,000, of which \$877,373 is stated to consist of the balance of the proceeds of the sale by American of the securities of Texas Public Utilities Corporation pursuant to our order of May 29, 1947. American and Florida further request that the Commission enter an order finding that the investment by American of such proceeds is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and that

such order conform to the pertinent requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

Subsequent to its failure to receive bids for the purchase of 150,000 shares of its preferred stock, Florida was informally authorized by us to explore the possibilities of a sale of 100,000 shares of such stock through negotiation with various interested underwriting groups. Florida has now submitted to us the results of its efforts in this respect.

A further public hearing having been held before this Commission, we now make the following findings:

Florida states that, after discussion with three distinct underwriting groups, an agreement has been entered into between it and Smith Barney & Company and The First Boston Corporation, as syndicate representatives, with respect to the sale of the said 100,000 shares of Preferred Stock. The agreement provides that the dividend rate on such stock will be 4.50%, that the price to be paid to the company will be \$100 per share, and that the company will pay a fee to the underwriters of \$2.90 per share resulting in an annual cost of money to the company of 4.63%. It is proposed that the stock will be offered for sale to the public at a price of \$100 per share.

The record made at the reconvened hearing, in addition to including the terms of the underwriting agreement set out above, covers the negotiations between Florida and the representatives of the underwriting syndicate. The record also indicates that during the course of negotiations with The First Boston Corporation and Smith Barney & Company, representatives of another syndicate indicated a willingness to purchase the stock at a price which would have resulted in a higher annual cost of money to the company. The company indicated that while the dividend rate agreed upon was not as favorable as had originally been anticipated, such rate, in view of all the circumstances, was satisfactory to the company.

While our order of July 17, 1947, permitted the issue and sale by Florida of 150,000 shares of preferred stock without the purchase by American of the common stock of Florida in the amount of \$2,500,000, the inability of Florida to sell the 150,000 shares of preferred stock on the expected basis raises questions concerning Florida's future financing program. As noted above, the president of the company stated that the results of the present financing, even in the light of the increase of the common stock equity and the reduction in the amount of preferred stock proposed to be sold, are not as favorable as had been anticipated. These circumstances serve to underline the necessity for a further increase of the common stock equity of Florida which will enable it to proceed with the financing necessary to carry out the projected heavy construction program. In this connection, we note that Florida's common stock is owned entirely by American, that American appears unwilling or unable to participate in the financing of Florida's heavy construction program by further adequate common

stock investments, and that the pendency of American's plan for the retirement of its own preferred stock is regarded by it as preventing Florida from selling common stock to the public. Under these circumstances, the operating company is required to finance its construction program largely through the issuance of senior securities. In the light of this situation, we intend to scrutinize carefully future financing programs by American's subsidiaries in order to secure and maintain healthy capital structures. However, considering Florida's urgent need for funds and the other circumstances of this case, we will not make adverse findings herein and we will grant the request for exemption from Rule U-50.

The proposed purchase of common stock of Florida by American is subject to the provisions of section 9 (a) (1) and (10) of the act and, considering our order under section 11 (b) requiring American to dissolve, we find that such transaction meets the requirements of section 10 of the act.

The proposed fee of \$8,000 to the firm of LeBoeuf and Lamb, counsel for the purchasers, which fee is to be paid by the purchasers, does not appear unreasonable, and we shall release jurisdiction heretofore reserved with respect to such fee.

On the basis of the entire record herein we conclude that the application and declaration, as amended, should be granted and permitted to become effective forthwith without the imposition of terms and conditions.

Wherefore it is ordered, That jurisdiction heretofore reserved over the price to be paid for the preferred stock, the underwriter's compensation and its allocation, and the legal fees of counsel for the purchasers be, and the same hereby is, released and said application-declaration, as amended, is granted and permitted to become effective forthwith subject, however, to the terms and conditions contained in Rule U-24; and

It is further ordered, That the application-declaration, as amended, with respect to the purchase by American and sale by Florida of the 100,000 shares of common stock of Florida be, and the same hereby is, granted and permitted to become effective subject, however, to the terms and conditions contained in Rule U-24; and

It is further ordered and recited, That the purchase by American of the common stock of Florida to the extent of \$877,373 from the proceeds received from the sale of American's investments in the securities of Texas Public Utilities Corporation as approved in our order of May 29, 1947, is necessary or appropriate to the integration or simplification of the holding company system of which American is a member and necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[File No. 70-1562]

DETROIT EDISON CO.

SUPPLEMENTAL ORDER RELEASING
JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 10th day of September A. D. 1947.

The Detroit Edison Company, an electric utility subsidiary of American Light & Traction Company, a registered holding company, having filed a declaration and amendments thereto under sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 with respect to the issuance and sale, pursuant to the competitive bidding requirements of Rule U-50, of \$60,000,000 principal amount of General and Refunding Mortgage Bonds, --%, Series I, dated September 1, 1947 and due September, 1982; and

The Commission, by order dated August 28, 1947, having permitted said declarations, as amended, to become effective forthwith, subject to the condition, among others, that the proposed issue and sale of the bonds not be consummated until results of the competitive bidding pursuant to Rule U-50 were made a matter of record herein and a further order entered by the Commission in the light of the record so completed; and

The Detroit Edison Company having filed a further amendment stating that, in accordance with the order of the Commission dated August 28, 1947, it has offered such bonds for sale pursuant to the competitive bidding requirements of rule U-50 and on September 9, 1947, received the following bids:

Name of bidder	Price to company ¹	Coupon rate	Net interest cost to company
Coffin & Burr, Inc., Spencer Trask & Co.	Percent 100.5779	Per-cent 2 3/4	Per-cent 2.7243
The First Boston Corp.	100.449	2 3/4	2.73
Halsey, Stuart & Co., Inc.	100.113	2 3/4	2.7449
Dillon, Read & Co., Inc.	100.0599	2 3/4	2.7473

¹ Plus accrued interest.

The amendment further stating that The Detroit Edison Company has accepted the bid of Coffin & Burr, Incorporated, and Spencer Trask & Co. and that the purchasers propose to offer the bonds to the public at 101.125% of the principal amount thereof, resulting in an underwriting spread of 0.5471% of the principal amount of the bonds; and

The Commission, having considered the record as so completed by said amendment, and finding that the applicable standards of the act and the rules and regulations have been satisfied, and finding no basis for imposing terms and conditions with respect to the price to be paid for said bonds or the underwriters' spread and the allocation thereof;

It is ordered, Subject to the terms and conditions prescribed by Rule U-24, that

the jurisdiction heretofore reserved be, and it hereby is, released.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-8467; Filed, Sept. 16, 1947;
8:53 a. m.]

[File No. 70-1587]

CONSUMERS POWER CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa. on the 11th day of September 1947.

Consumers Power Company ("Consumers"), a public utility subsidiary of The Commonwealth & Southern Corporation, a registered holding company, having filed an application-declaration and amendments thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder relating to the transactions summarized below:

Consumers proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, \$25,000,000 principal amount of additional First Mortgage Bonds, --% Series, due September 1, 1977. The bonds are to be issued under and secured by Consumers' indenture dated September 1, 1945, as supplemented by an indenture to be dated September 1, 1947.

Consumers also requests approval by this Commission of the transfer by Consumers on April 30, 1947 of \$10,607,836.14 from earned surplus to common capital stock account.

The application-declaration indicates that Consumers will use the proceeds of the sale of the additional bonds for property additions, for the improvement or maintenance of service, or for the discharge or lawful refunding of obligations, or to reimburse its treasury for expenditures made for such purposes.

The Michigan Public Service Commission has expressly authorized the issuance and sale of the proposed bonds and the proposed transfer of earned surplus to the common capital stock account.

Said application-declaration having been filed on August 1, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Consumers having requested that the Commission's order become effective forthwith; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied, that no adverse findings are neces-

sary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective:

It is hereby ordered, That, pursuant to Rule U-23, said application-declaration, as amended, be, and the same hereby is granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following conditions:

1. That the proposed issue and sale of the bonds shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 with respect to the bonds have been made a matter of record herein and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction is hereby reserved.

2. That the provisions of the dividend restriction on the payment of dividends on Consumers' common stock, imposed as a condition in the order issued by the Commission on August 30, 1945 (Holding Company Act Release No. 6024), which provisions, according to said condition, are to remain in effect so long as any of the Consumers' First Mortgage Bonds (2 3/4% Series, due 1975) or any shares of the \$4.50 preferred stock of Consumers are outstanding, shall remain in full force and effect so long as there shall remain outstanding any shares of the \$4.50 preferred stock of Consumers, or any bonds of Consumers of the 2 3/4% Series, due 1975, or of the --% Series, due 1977.

It is further ordered, That jurisdiction be, and the same hereby is, reserved with respect to the fees and expenses of all counsel in connection with the proposed transactions.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-8451; Filed, Sept. 16, 1947;
8:50 a. m.]

[File No. 70-1590]

BROCKTON EDISON CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 11th day of September A. D. 1947.

In the matter of Brockton Edison Company, Blackstone Valley Gas and Electric Company, Fall River Electric Light Company, Montaup Electric Company, Eastern Utilities Associates, and New England Electric System; File No. 70-1590.

Eastern Utilities Associates ("EUA"), a registered holding company, Brockton Edison Company ("Brockton"), an electric utility company, and Blackstone Valley Gas and Electric Company ("Blackstone"), also an electric utility company, both subsidiaries, of EUA, New England Electric System ("NEES"), a registered holding company, Fall River Electric

Light Company ("Fall River"), an electric utility company and a subsidiary of NEES, and of EUA, and Montaup Electric Company ("Montaup"), an electric (generating) utility company and a wholly owned subsidiary of Brockton, Blackstone, and Fall River, having filed an application and declaration, and an amendment thereto, pursuant to sections 6 (b), 10, and 12 of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Montaup proposes to issue and sell, and Brockton proposes to acquire 3,576 shares of Montaup common stock at par (\$100 per share) or an aggregate consideration of \$357,600. The proceeds thereof will be used by Montaup, together with other funds, for expenditures presently being made for capital additions.

A certain existing contract between Brockton, Blackstone and Fall River provides that each of said companies shall keep its respective common stock investment in Montaup equal (as nearly as possible) to its proportionate load demands on Montaup or make an annual payment of 2% on any such deficiency in its respective investment; and that any company with any such deficiency in investment shall, in any new financing, be given the right to make up such deficiency. The proposed acquisition by Brockton of 3,576 shares of Montaup Common stock is intended to make up such presently existing deficiency.

The application further states that Massachusetts law requires the proposed Montaup Common stock to be offered pro rata to its present stockholders. To comply with such Massachusetts law, warrants for shares will initially be issued to the following stockholders in the amounts shown: Brockton 770.31 shares, Blackstone 1,598.58 and Fall River 1,207.11 shares. Thereafter, it is proposed that Brockton will acquire, without consideration, such warrants which are to be issued to Blackstone and Fall River.

The application having been filed on August 6, 1947 and an amendment thereto having been filed on September 8, 1947 and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application and declaration as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that it is not necessary to impose any terms or conditions, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted and deeming it appropriate to grant the request of applicant that the order become effective at the earliest date possible:

It is hereby ordered. Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that

said application, as amended, be, and the same hereby is, granted forthwith and that said declaration be and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 47-8452; Filed, Sept. 16, 1947;
8:51 a. m.]

[File No. 70-1592]

MONONGAHELA POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 9th day of September A. D. 1947.

Monongahela Power Company ("Monongahela"), an exempt holding company and an indirect subsidiary of American Water Works and Electric Company, Inc. ("American"), a registered holding company, having filed a declaration, pursuant to the Public Utility Holding Company Act of 1935, regarding the issuance and sale, at competitive bidding pursuant to Rule U-50, of \$7,000,000 principal amount of First Mortgage Bonds, due 1977, and 40,000 shares of Cumulative Preferred Stock, par value \$100 per share (the price to Monongahela for these securities, the interest rate on the bonds and the dividend rate on the preferred stock, to be determined at competitive bidding); the proceeds from these sales to be used for construction purposes;

Representatives of Monongahela having requested that, in connection with the offering of the bonds and preferred stock at competitive bidding, the ten-day period for the solicitation of bids required by the provisions of Rule U-50 be shortened so that the bids may be opened on September 16, 1947; hearings on this declaration having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered. That the declaration, as amended, be, and the same hereby is, permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following terms and conditions:

1. That the proposed issuance and sale of the \$7,000,000 aggregate principal amount of First Mortgage Bonds and the 40,000 shares of Cumulative Preferred Stock, aggregate par value \$4,000,000, shall not be consummated until the results of the competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof in connection with the proposed transactions;

2. That the solicitation period of ten days required by Rule U-50 be, for the purpose of the sale of the bonds and pre-

ferred stock herein proposed, shortened to not less than six days;

3. That jurisdiction be reserved with respect to the payment of any and all fees and expenses incurred or to be incurred in connection with the consummation of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 47-8464; Filed, Sept. 16, 1947;
8:53 a. m.]

[File Nos. 70-1596, 70-1597]

WASHINGTON RAILWAY AND ELECTRIC CO. AND NORTH AMERICAN CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 9th day of September 1947.

In the matter of Washington Railway and Electric Company, File No. 70-1596; The North American Company, File No. 70-1597.

Washington Railway and Electric Company ("Washington Railway"), a registered holding company and a subsidiary of The North American Company ("North American"), also a registered holding company, has filed an application and declaration (File No. 70-1596) and amendments thereto, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and rules and regulations promulgated thereunder regarding the following transactions:

Washington Railway proposes to issue on or about September 12, 1947, to holders of its Common Stock (other than North American) of record on September 8, 1947, transferable Warrants in bearer form, entitling such holders to purchase, at a price of \$20 per share, two shares of Capital Stock of Capital Transit Company ("Transit") for each share of Washington Railway Common Stock held, and to issue to North American Warrants which will entitle North American to purchase less than its proportionate share of Transit stock at the price of \$20 per share. North American has agreed to accept a lesser amount than it is entitled to, in order that Washington Railway may issue Warrants on a 2 for 1 basis to holders other than North American, thus avoiding cumbersome fractions in the exercise of such Warrants. Washington Railway's entire holdings, aggregating 120,000 shares of Transit stock (which represents 50% of the total outstanding) will be offered for sale under the proposed transactions.

Such Warrants shall be of two kinds, Full Warrants, entitling the holder to purchase one share, or multiples thereof, of Transit stock, and Fractional Warrants which, when combined with other Fractional Warrants, will entitle the holder to purchase the whole number of shares of Transit stock called for in the aggregate by such Fractional Warrants. No fractional shares of Transit stock will be issued and the holders of Fractional Warrants can use the Warrants for pur-

chasing such stock only by combining them with other Fractional Warrants.

The privilege to purchase such shares of stock under the provisions of the Warrants will expire 30 days after the original issue thereof.

It is not anticipated that there will be any record date for determining holders of Transit stock entitled to receive any dividends or distribution on such stock during the period within which the Warrants may be exercised, but in the event there should be any record date the Warrant holders who have exercised their Warrants and have become stockholders of Transit at the time will be entitled to such dividend or distribution.

Washington Railway proposes to apply the net proceeds to be received from the sale of the Transit stock, together with other treasury funds, toward the payment, without premium, of its bank loan notes, outstanding in the principal amount of \$2,800,000.

Washington Railway also proposes to sell through the usual investment channels, the United States Treasury 2 3/4 % Bonds due June 15, 1958-63, dated June 15, 1946, owned by the company and carried on its books at \$300,000, the cost thereof.

Washington Railway requests (a) that the proposed sale of the Transit stock be exempted from the provisions of Rule U-50, and (b) that the Commission in its order approving the proposed transactions, recite appropriate statements, conforming to the requirements of Supplement R of Chapter I and 1808 (f) of Chapter II of the Internal Revenue Code, as amended, that the proposed transactions are necessary and appropriate to effectuate the provisions of section 11 (b) of the act.

Washington Railway estimates the fees and expenses to be incurred by Transit in connection with the proposed transaction in the amount of \$32,990, including \$7,750 counsel fees, and estimates the fees and expenses to be incurred by Washington Railway in the amount of \$25,000, including \$7,500 counsel fees; Washington Railway represents that it has agreed to reimburse Transit for the fees and expenses to be paid by Transit in connection with the proposed transactions.

North American has filed an application (File No. 70-1597) pursuant to the applicable provisions of the act and rules and regulations promulgated thereunder regarding the proposal by North American to exercise its rights under the provisions of the aforesaid Warrants to purchase an aggregate of 93,655 shares of Transit stock at the price of \$20 per share, and in addition will enter into an agreement with Washington Railway, under the terms of which North American will agree to purchase at \$20 per share all of the shares of Transit stock not purchased by others.

North American represents that it is the beneficial owner of 79.74% (51,827.8 shares) of the outstanding common stock of Washington Railway.

The applicants-declarants represent that the proposed transactions are part of the general program of Washington

Railway to consummate its Amended Plan and that the proposed transactions are essential steps in carrying out such Amended Plan, filed pursuant to Section 11 (e) of the act and approved by order of the Commission dated May 15, 1947 (Holding Company Act Release No. 7410) and by order of the District Court of the United States for the District of Columbia, dated June 16, 1947.

The applicants-declarants have designated sections 6 (a), 7, 9 (a), 10, 12 (c) and 12 (d) of the act and Rules U-23, U-42, U-44 and U-50 promulgated thereunder as applicable to the proposed transactions.

Said applications-declaration (File No. 70-1596) and (File No. 70-1597) having been filed on August 13, 1947, and notice of filing and order consolidating the proceedings herein having been duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said applications-declaration within the period specified in said notice, or otherwise, and not having ordered that a hearing be held thereon; and

It appearing to the Commission that the proposed transactions are essential steps in the carrying out by Washington Railway of its Amended Plan filed pursuant to section 11 (e) of the act for the purpose of complying with section 11 (b) of the act, and approved by order of this Commission dated May 15, 1947 (Holding Company Act Release No. 7410) and approved by order dated June 16, 1947, of the United States District Court for the District of Columbia; and that the request by Washington Railway that the proposed sale of Transit stock be exempted from the provisions of Rule U-50 should be granted; and

It further appearing to the Commission, with respect to the fees and expenses, estimated to be incurred in connection with the proposed transactions, that such fees and expenses if they do not exceed the amounts estimated are not unreasonable and should be approved, except as to all counsel fees over which jurisdiction will be reserved.

The Commission finding that the proposed transactions are appropriate steps in furtherance of and in compliance with the provisions of the plan filed by Washington Railway pursuant to section 11 (e) of the act and approved by order of this Commission dated May 15, 1947, and the Commission finding that the proposed transactions are not in contravention of the provisions of the act and the rules and regulations promulgated thereunder and that it is appropriate in the public interest and in the interest of investors and consumers that said applications and said declaration, as amended, respectively, be granted and permitted to become effective;

It is hereby ordered, That the applications and declaration, as amended, be and the same are, respectively, hereby granted and permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24.

It is further ordered and the Commission finds, That the proposed issuance

and distribution by Washington Railway of transferable Purchase Warrants, in bearer form, to the holders of its Common Stock, the proposed sales and transfers by Washington Railway to the holders of its Common Stock and to others of the 120,000 shares of Capital Stock of Capital Transit represented by the following certificates:

Certificate No.:	Number of shares	Certificate No.:	Number of shares
02-----	119,900	021-----	1
03-----	25	022-----	1
04-----	25	04256-----	1
05-----	25	05406-----	1
06-----	8	05836-----	1
010-----	1	06039-----	1
011-----	1	07760-----	1
013-----	1	09430-----	1
018-----	1	09474-----	1
019-----	1	09679-----	1
020-----	1	09746-----	1

Total number of shares: 120,000.

and the proposed expenditure of the proceeds, after the payment of expenses of such sales, to the payment of the presently outstanding bank loan notes of Washington Railway are necessary or appropriate to the integration or simplification of the Holding Company System of which Washington Railway is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, That jurisdiction is hereby reserved over all legal fees incurred in connection with the proposed transactions.

It is further ordered, That the acquisition and holding by North American of shares of capital stock of Transit, under the terms and conditions of the proposed transactions, shall be subject to the requirements of our order dated April 14, 1942 (Holding Company Act Release No. 3405) issued pursuant to section 11 (b) of the act, with respect to North American.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-8468; Filed, Sept. 16, 1947; 8:53 a. m.]

[File No. 70-1602]

DERBY GAS AND ELECTRIC CORP. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 8th day of September A. D. 1947.

In the matter of Derby Gas & Electric Company, the Danbury and Bethel Gas and Electric Light Company, the Wallingford Gas Light Company, File No. 70-1602.

Derby Gas & Electric Corporation ("Derby"), a registered holding company, and its subsidiaries, The Derby Gas and Electric Company, The Danbury and Bethel Gas and Electric Light Company, and The Wallingford Gas Light Company, having filed an applica-

tion-declaration, and an amendment thereto, pursuant to sections 6, 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 and the applicable rules thereunder, with respect to the transactions summarized below:

Derby proposes to borrow from The Equitable Life Assurance Society of the United States \$200,000, to be evidenced by a promissory note bearing interest at the rate of 2¼% per annum and maturing on October 25, 1947. Of the \$200,000, Derby will lend \$175,000 to its aforesaid subsidiaries in order to permit said companies to meet additional costs of construction of gas facilities and to replenish their working capital, and the balance of \$25,000 will be used by Derby for its own working capital purposes. The sums which said subsidiaries propose to borrow to replenish working capital will be advanced by Derby on open account without interest, and the sums to be borrowed for construction of such gas facilities will be evidenced by the issuance by said subsidiaries to Derby of promissory demand notes which will bear interest at a rate equal to Derby's cost of such funds. Upon completion of said gas construction program, said demand notes will be surrendered by Derby for cancellation in consideration of the issuance to Derby by each of said subsidiaries of common stock in an amount (taken at the par or stated value of \$25 per share in each case) equal to the principal amount of said demand notes. Derby is arranging for permanent financing of said \$200,000 promissory note in conjunction with the financing of the program of one of its subsidiaries for the construction of additions to its electric distribution system.

Said application-declaration having been filed on August 20, 1947, and an amendment thereto having been filed on August 25, 1947, and notice of said filing, as amended, having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applicants-declarants having requested that the Commission take appropriate action to accelerate its order herein and that said order become effective forthwith, and the Commission deeming it appropriate to grant such request, and

The Commission finding with respect to said application-declaration that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that said application-declaration be granted and permitted to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and provisions prescribed in Rule U-24, that said application-declaration be, and the

same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-8465; Filed, Sept. 16, 1947;
8:53 a. m.]

[File No. 70-1603]

WISCONSIN PUBLIC SERVICE CORP.

ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of September 1947.

Wisconsin Public Service Corporation ("Wisconsin"), a subsidiary of Standard Gas and Electric Company, a registered holding company, having filed a declaration and amendment thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following transactions:

Wisconsin proposes to borrow \$2,600,000 from several banks to finance, temporarily, construction expenditures. The loans will be evidenced by notes dated September 15, 1947, with a due date of December 1, 1947. The notes will bear interest at the rate of 1½% per annum and carry a privilege of prepayment.

Said declaration having been filed on August 25, 1947, and an amendment thereto having been filed on August 29, 1947, and the Commission having given notice of said filing in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-8466; Filed, Sept. 16, 1947;
8:51 a. m.]

[File Nos. 70-1608—70-1615]

GARDNER ELECTRIC LIGHT CO. ET AL.

NOTICE OF FILING AND ORDER OF
CONSOLIDATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 11th day of September, A. D. 1947.

In the matter of Gardner Electric Light Company, File No. 70-1608; The Lowell Electric Light Corporation, File No. 70-1609; Weymouth Light and Power Company, File No. 70-1610; Northampton Electric Lighting Company, File No. 70-1611; Northern Berkshire Gas Company, File No. 70-1612; Worcester County Electric Company, File No. 70-1613; Attleboro Steam and Electric Company, File No. 70-1614; Worcester Suburban Electric Company, File No. 70-1615.

Gardner Electric Light Company, The Lowell Electric Light Corporation, Weymouth Light and Power Company, Northampton Electric Lighting Company, Northern Berkshire Gas Company, Worcester County Electric Company, Attleboro Steam and Electric Company and Worcester Suburban Electric Company, all subsidiaries of New England Electric System, a registered holding company, having each filed a declaration, and an amendment thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance and sale of unsecured promissory notes to banks; and

It appearing to the Commission that the foregoing matters under File Nos. 70-1608, 70-1609, 70-1610, 70-1611, 70-1612, 70-1613, 70-1614 and 70-1615 involve common questions of law and that substantial savings of time and expense will be achieved if such matters are consolidated, and it further appearing appropriate to the Commission that a notice of filing of said declarations and the consolidation of these proceedings be issued pursuant to Rule U-23:

It is ordered, That the proceedings upon the declarations filed by Gardner Electric Light Company (File No. 70-1608), The Lowell Electric Light Corporation (File No. 70-1609), Weymouth Light and Power Company (File No. 70-1610), Northampton Electric Lighting Company (File No. 70-1611), Northern Berkshire Gas Company (File No. 70-1612), Worcester County Electric Company (File No. 70-1613), Attleboro Steam and Electric Company (File No. 70-1614), and Worcester Suburban Electric Company (File No. 70-1615) be, and the same are hereby consolidated, without prejudice, however, to the right of the Commission to separate, either for hearing if one is held, in whole or in part, or for disposition, in whole or in part, any of the matters which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

Notice is hereby given that any interested person may, not later than September 24, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters stating the nature of his interest, the reasons for

such request, and the issues, if any, of fact or law raised by the said declarations or the particular declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declarations, as amended, may be permitted to become effective as provided in Rule-U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declarations which are on file in the offices of this Commission for a statement of the transactions proposed which are summarized below:

Declarants propose the issuance and sale to a bank or banks, from time to time, of unsecured promissory notes in the following aggregate principal amounts, maturing not later than one year after issuance and bearing interest at a rate not in excess of 1 3/4% per annum:

Gardner Electric Light Co.-----	\$320,000
The Lowell Electric Light Corp.--	750,000
Weymouth Light & Power Co.-----	150,000
Northampton Electric Lighting Co.-----	150,000
Northern Berkshire Gas Co.-----	200,000
Worcester County Electric Co.-----	1,500,000
Attleboro Steam and Electric Co.-----	250,000
Worcester Suburban Electric Co.-----	650,000

The proceeds of the loans will be used by declarants for construction costs already incurred and for reimbursement of the treasury and for construction costs which will be incurred prior to June 30, 1948.

It is represented by declarants that no State commission, or other Federal Commission, has jurisdiction over the proposed transactions.

Declarants have requested that the Commission's order permitting the declarations, as amended, to become effective be issued on or before September 29, 1947, and that said declarations, as amended, become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-8453; Filed, Sept. 16, 1947;
8:51 a. m.]

[File No. 70-1616]

OKLAHOMA GAS AND ELECTRIC CO.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of September A. D. 1947.

Notice is hereby given that Oklahoma Gas and Electric Company ("Oklahoma"), a subsidiary of Standard Gas and Electric Company, a registered holding company, has filed an application pursuant to the applicable provisions of the Public Utility Holding Company Act

of 1935 ("act"), and the rules and regulations promulgated thereunder.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Oklahoma proposes to enter into a loan agreement with several banks whereby the banks will agree to lend and Oklahoma will agree to borrow \$2,500,000 on or before December 31, 1947, an additional \$6,000,000 on or before December 31, 1948, and an additional \$5,500,000 on or before December 31, 1949, an aggregate amount of \$14,000,000. Each loan will be evidenced by secured notes of Oklahoma, maturing December 31, 1949, bearing interest at the rate of 1 3/4% per annum, payable quarterly. The loan agreement provides that Oklahoma will pay a commitment fee computed at the rate of one-quarter of one percent per annum on the daily average unused amount of the commitment, payable quarterly. As collateral security for the payment of the secured notes, Oklahoma will issue and pledge with The Chase National Bank of the City of New York, as custodian for the holders of the secured notes, a principal amount of a new series of Oklahoma First Mortgage Bonds, to be designated "First Mortgage Bonds, series of 1947 due February 1, 1975, 2 3/4%" equal to the amount of the borrowing.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said application and that said application should not be granted except pursuant to further order of this Commission:

It is ordered, That a hearing on said application pursuant to the applicable provisions of the act and the rules and regulations promulgated thereunder be held on September 23, 1947 at 10:00 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date, the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of the Commission on or before September 22, 1947, his request or application therefor, as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission, having advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof, the following matters and questions are presented for consideration without prejudice however

to the presentation of additional matters and questions upon further examination:

1. Whether the proposed issuance of secured notes and First Mortgage Bonds by Oklahoma is exempt from the provisions of sections 6 (a) and 7 of the act pursuant to section 6 (b) thereof and, if not, whether the requirements of section 7 of the act are met;

2. Whether, in the event that the exemption provided by section 6 (b) is granted, it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms or conditions in connection with the proposed issuance of secured notes and First Mortgage Bonds, and if so, what terms and conditions should be imposed;

3. Whether the fees, commissions or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount;

4. Whether accounting entries proposed to be recorded in connection with the proposed transactions are proper and conform with sound accounting principles and meet the standards of the act;

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Oklahoma Gas and Electric Company, the Corporation Commission of the State of Oklahoma and the Arkansas Public Service Commission, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all other persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-8469; Filed, Sept. 16, 1947;
8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9713]

DEUTSCHE BANK UND DISCONTO-GESELLSCHAFT

In re: debt owing to Deutsche Bank und Disconto-Gesellschaft; F-28-1279-G-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Bank und Disconto-Gesellschaft, the last known address of

which is Berlin, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: All right, title, interest and claim of any name or nature whatsoever of Deutsche Bank und Disconto-Gesellschaft in and to any and all obligations, contingent or otherwise and whether or not matured, arising under that certain agreement, dated August 1, 1932, (including all modifications thereof and supplements thereto, if any) by and between Deutsche Bank und Disconto-Gesellschaft and Central Hanover Bank & Trust Company, as paying Agent, and that certain agreement, dated August 23, 1935, (including all modifications thereof and supplements thereto, if any) between the aforesaid parties, which agreements relate, among other things, to the re-

turn of the unexpended balance to Deutsche Bank und Disconto-Gesellschaft, of the amount of \$17,500, deposited with the Central Hanover Bank and Trust Company, for costs and fees in connection with the payment of American Participation Certificates, representing participation in the \$25,000,000 Five Year 6% Note of Deutsche Bank, due September 1, 1935, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be

treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8471; Filed, Sept. 16, 1947;
8:48 a. m.]